

REMARKS

The present amendment is re-submitted in response to the Notice of Non-compliant Amendment dated May 6, 2004 and in to the Office Action dated August 13, 2003.

Claims 20-38 are pending in this application.

In the Office Action, the specification and drawings were objected to for various informalities. Claims 4, 9, 11-12, and 16 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Claims 1-19 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1 and 18-19 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,585,066 to Koneda et al. Claims 2 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Koneda et al.

The Applicants note with appreciation the indicated allowability of claims 4, 9, 11-12, and 16 if rewritten to overcome the rejections under 35 U.S.C. 112, first and second paragraphs, and to include the limitations of the base claim and any intervening claims. The Applicants note further the allowance of claims 3, 6-8, 10, 13-15, and 17 if rewritten to overcome the rejections under Section 112, second paragraph, and to include the limitations of the base claim and any intervening claims.

In the present amendment, claims 1-19 have been indicated as "canceled" and new claims 20-38 have been added.

Claim 20 includes the features of allowable claim 9. New claim 38 is allowable claim 13 rewritten in independent form.

The remaining new claims were formatted to provide proper antecedent for the objected-to terms and others.

The specification and drawings have been amended to address the noted objections.

Regarding the rejection of the claims under Section 112, first paragraph, the Applicants note that the Examiner's comments and questions relate to topics that are known to a person skilled in the relevant art, and therefore, should not require further description. The variation of performance graphs of claim 23 is known, for example, when controlling fuel injection or the pressure of a turbo charger. The variation can be achieved by modifying parameters of the performance graph or by switching between different performance graphs, for example.

Regarding the rejection of claim 9 under Section 112, first paragraph, the practitioner skilled in the art has several options for placing the sensors and choosing their mode of operation in order to detect an undesired movement of the vehicle. Sensors could detect the rotation of a wheel, for example, optically detect a relative movement of the vehicle relative to the ground or the distance to the vehicle ahead and the vehicle behind could be measured by radar.

In addition, automatically engaging and releasing brakes as defined in claims 30 and 31 are well known; the most well-known examples are probably anti-lock brakes or electronic parking brakes. The exact conditions on when the

brakes are engaged/released remain at the discretion of the skilled person for his/her specific implementation.

The disclosure on page 5, line 17 to page 6, line 2, provide sufficient information to enable the person skilled in the art to make and/or use the invention.

Finally, automatic start-stop control device of claim 35, which can automatically start/stop the engine of a vehicle, are known to a person skilled in the art and have long been implemented, for example, in a variety of fuel-saving cars.

In conclusion, one skilled in the art is provided with sufficient knowledge to transform the technical teachings of the present application into a technical realization.

Regarding paragraph 9 of the Office Action, it should be noted that claim 20 defines that the electric machine generates a torque. With regard to lines 7-13 of claim 20, it should also be noted that the wording "upon starting of the engine" does not relate to a time after the engine has been started and is running, but rather from that time on when the start of the engine is initiated. There is always a time between initiating the start of the engine until the engine runs at its idle rpm. This is when a first part of the torque generated by the electric machine is transmitted to a drive wheel and a second part to the engine in order to start the engine.

Regarding claim 22 (claim 3), the Applicants are not clear as to why the Examiner finds this claim to be vague and indefinite, because this claim defines

that the control parameters which define the operation of the control device are provided as performance graphs, which are temperature- and/or rpm-dependent. This means that there is a defined functional relationship, for example, mathematical or in a table of values, between input values and output values, where the functional relationship differs for different temperatures and/or rpms.

With regard to claims 21 and 24 (claims 2 and 5), these claim express that for the means, both a control device (without a direct feedback loop) or a regulating device (with a direct feedback loop) can be used.

The Applicants respectfully submit that the present amendment has addressed all of the issues raised in the Office Action. In light of the foregoing arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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